



**Office of the New York State
Attorney General**

**Letitia James
Attorney General**

February 17, 2025

BY ECF

Hon. Nelson S. Román
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: *Dimps v. NYS Dep't of Corr. & Cmty. Supervision*, No. 17 Civ. 8806 (NSR) (AEK)

Dear Judge Román:

This Office represents Defendant New York State Department of Corrections and Community Supervision (“DOCCS”) in the above-referenced case. I write in accordance with the February 5, 2025 Order by Magistrate Judge Krause (Dkt. No. 184), which directed Defendant to file any response to two issues raised in the motion Plaintiff filed two days prior (Dkt. No. 183): (1) Plaintiff’s continued request to stay all discovery while she seeks counsel; and (2) Plaintiff’s continued request to restore the case caption to include her title as “Local President of 176 at Taconic C.F.” (hereinafter, her “Union”). For the reasons that follow, Plaintiff’s motions should be denied in all respects.

First, there are no colorable grounds presented to stay discovery indefinitely while Plaintiff seeks counsel. For all of the reasons contained in Defendant’s January 13, 2025 letter (Dkt. No. 178, pp.2-3), Plaintiff is unlikely to prevail on her various motions to obtain appointed pro bono counsel. The case has not been shown to be meritorious and is not particularly unusual or complex. Plaintiff has also never explained why she has been unable to obtain counsel in the seven years this case has been pending. And Plaintiff should not need an attorney’s assistance to avoid perjuring herself; instead, she should simply again be ordered to sit for a deposition.

Second, to the extent Plaintiff merely wants to amend the caption to include a reference to her former position with the Union, Defendant views this change as utterly pointless but would otherwise have no objection. However, Plaintiff should not be allowed to assert claims on behalf of the Union or on behalf of other DOCCS employees, nor to litigate this case as a class action, which her letter tends to imply is the reason for this request. As previously noted, this pro se case is not (and never has been) a class action, and Plaintiff has not met, and cannot meet, the requirements for certifying it as such. (See Dkt. No. 178, p.4.) Nor can Plaintiff bring claims on behalf of the Union or any of its members. Indeed, Plaintiff previously sought to expand this action to include claims *against* the Union – and this Court and the Second Circuit have rejected such request.

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For all of the foregoing reasons, this Court should affirm this Judge Krause's denial of Plaintiff's request to stay all discovery while she seeks counsel, and should affirm Judge Krause's denial of Plaintiff's request to expand this litigation to include claims on behalf of her Union or other DOCCS employees.

I appreciate the Court's attention and consideration.

Dated: New York, New York
February 17, 2025

Respectfully submitted,

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